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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,289	10/31/2001	Anne Marie Darling	G08.058	4057

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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,289

Applicant(s)

DARLING, ANNE MARIE

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/29/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION
Response to Arguments

Applicant's arguments filed 1/29/04 have been fully considered but they are not persuasive. The Applicant submitted that , " the references do not teach or suggest that an editor to review the document created on the system may be selected based on the template used to create the document. The Examiner disagrees because Plantz teaches about "... assigned aspects of the editing task ...", Col. 9, and "... facilitates editor assignment by invoking a display of all topics, as well as the names of all the editors assigned to that topic ... Col. 12. Plantz further discloses under the 110 Selected Project section of providing Examples of the format and editing links associated with the subject matter of the document. Thus, Plantz discloses two ways an editor may be assigned to a document. The first being a template and the second being by the GPS system administrator.

The Applicant's second argument was that neither Plantz and/or Ross teach or suggest applying tags to drafts and in fact, states, "both references are silent as to tagging..." Plantz discloses the use of two types of "tagging". The first being a linking to the uniform resource locator for the project and the second being assigning a project a number such as Project **102**, **103**, **104**, etc. Col. 7-8. Plantz further states that, " From the top-level **101** of the GPS, users select from among the menu of document project(s)

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(102, 103, 104). The project numbers are in fact “tags” that provide identification and links to the documents they are assigned to.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 16-17, 19, are rejected under 35 U.S.C. 102(b) as being anticipated by Plantz et al, U.S. Patent 6,088,702. (Plantz)

As per claim 16:

Plantz discloses:

allowing a content creator to log into a system; Col. 7, lines 28-35

providing a content type specific template to the content creator, the content type specific template being associated with a particular content type of a plurality of content types supported by the system; Col. 8, lines 20-40.

allowing the content creator to create a draft by using the content type specific template; Col. 9, lines 35-55.

selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system, the selecting based at least in part on the content type specific template; Col. 9, lines 50-65.

transmitting the draft to the selected at least one of a reviewer and an editor.

Col. 10, line 1-30.

As per claim 17:

Plantz further discloses:

allowing the content creator to select the content type specific template from among a plurality of content type specific templates supported by the system. Col. 9, lines 1-15.

As per claim 19:

Plantz further discloses:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft. Col. 9, lines 55-65.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al, U.S. Patent 6,088,702. (Plantz)

As per claim 18:

Plantz discloses the claimed invention except for a first template suitable for creating a website document, a second template suitable for creating an e-mail, a third template suitable for creating an alert, and a fourth template suitable for creating

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branded content. However, Plantz does teach about guides of the format of the GPS project data and sample topics of documents are viewable by selection ...option. Col. 9, lines 1-15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide different templates depending on the user's objective, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Plantz does not expressly show the wherein the plurality of content type specific templates includes a first template suitable for creating a website document, a second template suitable for creating an e-mail, a third template suitable for creating an alert, and a fourth template suitable for creating branded content.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The use of templates to direct and guide a user will effectively be the same regardless of what you would call the template be it for creating a website, a document, an e-mail, etc. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a template to a user that could be named and designed for a specific purpose and function. i.e. document creation, website

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creation , etc. because the type of template used does not functionally relate to the steps in the method claimed.

As per claim 20:

Plantz discloses the claimed invention except for the applying a tag to the draft and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft. However, Plantz discloses the use of two types of “tagging”. The first being a linking to the uniform resource locator for the project and the second being assigning a project a number such as Project **102, 103, 104**, etc. Col. 7-8. Plantz further states that, “ From the top-level **101** of the GPS, users select from among the menu of document project(s) (**102, 103, 104**) ... The project numbers are in fact “tags” that provide identification and links to the documents they are assigned to.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to call the links as describe by Plantz, tags, since both serve the same purpose and function.

As per claim 21:

Plantz discloses:

allowing a content creator to log into a system; Col. 7, lines 28-35

allowing the content creator to create a draft in the system; Col. 9, lines 35-55.

transmitting the draft to the selected at least one of a reviewer and an editor.

Col. 10, line 1-30.

Plantz discloses the claimed invention except for the applying a tag to the draft and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft. However, Plantz discloses the use of two types of "tagging". The first being a linking to the uniform resource locator for the project and the second being assigning a project a number such as Project **102, 103, 104**, etc. Col. 7-8. Plantz further states that, " From the top-level **101** of the GPS, users select from among the menu of document project(s) (**102, 103, 104**) ... The project numbers are in fact "tags" that provide identification and links to the documents they are assigned to.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to call the links as describe by Plantz, tags, since both serve the same purpose and function.

As per claim 22:

Plantz further discloses:

wherein the system automatically applies the tag to the draft. Col. 8, lines 20-30.

As per claim 23:

Plantz discloses the claimed invention except for wherein the content creator applies the tag to the draft.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to permit the content creator to generate her own tag within the limitations/guidelines specified by the GPS service administrator , since it has been held

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that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 24:

Plantz further discloses:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft. Col. 9, lines 55-65.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/29/04

DLG


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